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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,806

07/10/2003

Hiroyuki Sonoda

8019-1031

1907

466

7590

10/25/2004

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EXAMINER

VESPERMAN, WILLIAM C

ART UNIT

PAPER NUMBER

2813

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,806

Applicant(s)

SONODA ET AL.

Examiner

William C. Vesperman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's filing of 7/10/2003.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121.

- I. A method of removing polymer adhered to a sidewall of an etched metal layer formed on a substrate, comprising: (a) dissolving the polymer by providing chemicals onto a surface of the substrate; and (b) rinsing the chemicals out of the substrate by providing pure water onto a surface of the substrate, wherein at least a part of the step (a) is carried out in an oxidation atmosphere. See embodiment. (Claims 1 - 13 are suggested.)

- II. A method of removing polymer adhered to a sidewall of an etched metal layer formed on a substrate, comprising: (a) dissolving the polymer by providing chemicals onto a surface of the substrate; (b) rotating the substrate to splash the chemicals out of the substrate by virtue of centrifugal force; and (c) rinsing the chemicals out of the substrate by providing pure water onto a surface of the substrate, wherein at least a part of the step (a) is carried out in an oxidation atmosphere when a period of time in which the step (a) is carried out is longer than a period in which the step (b) is carried out. See embodiment. (Claims 14 - 22 are suggested.)

- III. An apparatus for removing polymer adhered to a sidewall of an etched metal layer formed on a substrate, comprising:
(a) a substrate holder which holds at least one substrate;

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- (b) an external chamber movable relative to the substrate holder between a first position in which the external chamber defines a first closed space around the substrate holder and a second position in which the external chamber is kept away from the substrate holder for exposing the substrate holder to atmosphere;
 - (c) an internal chamber located internal of the external chamber and movable relative to both of said substrate holder and the external chamber between a first position in which the external chamber defines a second closed space around the substrate holder and a second position in which the internal chamber is kept away from said substrate holder for exposing the substrate holder to atmosphere;
 - (d) a chemicals source containing chemicals which dissolves the polymer;
 - (e) a pure water source containing pure water therein;
 - (f) an oxygen-containing gas source containing oxygen containing gas therein; and
 - (g) a controller which controls movement of said external and internal chambers and flow of said chemicals and said pure water. See embodiment. (Claims 23 - 34 are suggested.)
3. This application contains claims directed to the following patentably distinct species (I and II) of the claimed invention.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the U.S.C. 103(a) of the other invention.

4. Inventions (I, II) and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §

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806.05(e)). In this case, the processes (I and II) could have been performed manually using a work station having a disposal sink, a pure water source, cleaning chemicals, containers for cleaning, an oxygen and a nitrogen gas sources, a stop watch, a heater and a centrifuge.

5. Because these inventions (I, II and III) are distinct for the reasons given above, restriction for examining purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143)

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vesperman whose telephone number is 571-272-1701. The examiner can normally be reached on Mon. - Fri., 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr. can be reached on 571-272-1702. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 17, 2004


CARL WHITEHEAD, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800